

§ 101.1

101.39 Balloon position reports.

AUTHORITY: 49 U.S.C. 106(g), 40103, 40113–40114, 45302, 44502, 44514, 44701–44702, 44721, 46308.

Subpart A—General

§ 101.1 Applicability.

(a) This part prescribes rules governing the operation in the United States, of the following:

(1) Except as provided for in §101.7, any balloon that is moored to the surface of the earth or an object thereon and that has a diameter of more than 6 feet or a gas capacity of more than 115 cubic feet.

(2) Except as provided for in §101.7, any kite that weighs more than 5 pounds and is intended to be flown at the end of a rope or cable.

(3) Any unmanned rocket except:

- (i) Aerial firework displays; and,
- (ii) Model rockets:

(a) Using not more than four ounces of propellant;

(b) Using a slow-burning propellant;

(c) Made of paper, wood, or breakable plastic, containing no substantial metal parts and weighing not more than 16 ounces, including the propellant; and

(d) Operated in a manner that does not create a hazard to persons, property, or other aircraft.

(4) Except as provided for in §101.7, any unmanned free balloon that—

(i) Carries a payload package that weighs more than four pounds and has a weight/size ratio of more than three ounces per square inch on any surface of the package, determined by dividing the total weight in ounces of the payload package by the area in square inches of its smallest surface;

(ii) Carries a payload package that weighs more than six pounds;

(iii) Carries a payload, of two or more packages, that weighs more than 12 pounds; or

(iv) Uses a rope or other device for suspension of the payload that requires an impact force of more than 50 pounds to separate the suspended payload from the balloon.

(b) For the purposes of this part, a *gyroglider* attached to a vehicle on the

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surface of the earth is considered to be a kite.

[Doc. No. 1580, 28 FR 6721, June 29, 1963, as amended by Amdt. 101–1, 29 FR 46, Jan. 3, 1964; Amdt. 101–3, 35 FR 8213, May 26, 1970]

EFFECTIVE DATE NOTE: At 73 FR 73781, Dec. 4, 2008, §101.1 was amended by revising paragraph (a)(3), effective Feb. 2, 2009. For the convenience of the user, the revised text is set forth as follows:

§ 101.1 Applicability.

(a) * * *

(3) Any unmanned rocket except aerial firework displays.

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§ 101.3 Waivers.

No person may conduct operations that require a deviation from this part except under a certificate of waiver issued by the Administrator.

[Doc. No. 1580, 28 FR 6721, June 29, 1963]

§ 101.5 Operations in prohibited or restricted areas.

No person may operate a moored balloon, kite, unmanned rocket, or unmanned free balloon in a prohibited or restricted area unless he has permission from the using or controlling agency, as appropriate.

[Doc. No. 1457, 29 FR 46, Jan. 3, 1964]

§ 101.7 Hazardous operations.

(a) No person may operate any moored balloon, kite, unmanned rocket, or unmanned free balloon in a manner that creates a hazard to other persons, or their property.

(b) No person operating any moored balloon, kite, unmanned rocket, or unmanned free balloon may allow an object to be dropped therefrom, if such action creates a hazard to other persons or their property.

(Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

[Doc. No. 12800, 39 FR 22252, June 21, 1974]

Subpart B—Moored Balloons and Kites

SOURCE: Docket No. 1580, 28 FR 6722, June 29, 1963, unless otherwise noted.